Inv. C. Cox
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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE NOVEMBER 4, 1988 **FILE NO.** 088-08741-0199-032

C- ATTEMPT ROBBERY - 211 P.C./ATTEMPT G.T.A. - 487.3 P.C./UNLAWFUL DISPLAY OF EXHIBITING A FIREARM TO AN OFFICER - 417(B)P.C./OFFICER INVOLVED SHOOTING

Action Taken ACTIVE/INVESTIGATION MADE/EVIDENCE HELD/CHANGE OF CLASSIFICATION/ADDITIONAL CLASSIFICATION/CC# 88-12775 ASSIGNED/PROPERTY RELEASED

V- LISTED BELOW

D- 10-28-88, 1550 HOURS

L- 8012 PACIFIC AVENUE, SOUTH GATE

S- **GONZALEZ, ENRIQUE RICARDO** MM/27 (DECEASED)

VICTIM

VICTIM #1 **FREEDOM FORD INC.**

VICTIM #2 [redacted] (DEPUTY, #[redacted])

EVIDENCE HELD

Item No. 1 - One (1) Air gun "Crossman" BB, #[redacted] black with 5" barrel and brown grips, Location 3'5" and 6'0" west of the south pilar to the car wash;

Item No. 2 - One (1) piece of shotgun wadding (found 18" south of suspect's right knee;

Item No. 3 - One (1) piece of shotgun wadding (found 2 1/2" north of the suspect's head);

Item No. 4 - One (1) piece of shotgun wadding (found 3'0" north of suspect's waist);

Item No. 5 - One (1) piece of shotgun wadding (found 6'0" north of suspect's left foot);

Item No. 6 - One (1) piece of shotgun wadding (found 9'0" west and 18" north of car wash pillar);

Item No. 7 - One (1) piece of shotgun wadding (found 22'0" west and 12'0" north of car wash pillar);

Item No. 8 - One (1) piece of shotgun wadding (found 12'0" south and 9'0" east of car wash pillar);

Item No. 9 - One (1) piece of denim cloth on which is a piece of metal jacket (cut off suspect's pant leg by paramedic and place 1'0" north of the suspect's left foot);



Item No. 10 - One (1) shotgun casing, red Winchester #4 Buck, 12 gauge, located 5'0" north of the left wheel to the 88 White Ford Escort;

Item No. 11 - One (1) shotgun casing red "Winchester," #4 Buck, 12 gauge, located 6'0" north and 4'0" west of the left wheel to a white '88 Ford Escort;

Item No. 12 - One (1) shotgun casing red "Winchester," #4 Buck, 12 gauge, located 4'0" north and 5'0" west of the left wheel to a white '88 Ford Escort;

Item No. 13 - One (1) shotgun casing, red "Winchester," #4 Buck, 12 gauge, located 4'0" north and 7'0" west of the left whee to a '88 white Ford Escort;

Item No. 14 - One (1) shotgun slug located embedded in air hose (locate behind the metal trash can which was next to the car wash pillar);

Item No. 15 - One (1) piece of shotgun wadding (located 18" north of the car wash pillar);

Item No. 16 - Two (2) shotgun slugs located inside the metal trash can (located immediately north of the car wash pillar);

Item No. 17 - One (1) tape of 911 call and radio transmissions communicated to Firestone Station;

Item No. 18 - Slugs and lead fragments (removed from Suspect Gonzalez at time of autopsy);

Item No. 19 - One (1) wallet and seventy-two cents in coin (removed from Suspect Gonzalez at the hospital);

PROPERTY RELEASED

One (1) wallet with I.D. and seventy-two cents U.S. coin belonging to Suspect Gonzalez

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On 10-28-88 at 1630 hours, Investigators were dispatched to [redacted] Long Beach Boulevard, South Gate to investigate the Officer Involved Shooting of Enrique Gonzalez, MM/27, by deputies from Firestone Station.

Upon our arrival at 1805 hours, we were contacted by Deputies J. Babbitt, #[redacted], and L. Spackman, #[redacted], Unit 11 P.M., who stated that at 1549 hours Firestone Station received a 911 call of a man with a gun attempting to rob Freedom Ford at that location.

He continued that he received the handle on the call with car [redacted] P.M. Deputy [redacted] and Thacker, assigned to assist Babbitt, indicated that he was only six blocks from the location he found that car [redacted] A.M. had already arrived and had attempted to arrest the suspect, who was still at the scene.

According to Deputy Babbitt, [redacted] and Thacker were waved down by the owner of Freedom Ford, who advised them that the suspect, who was armed and trying to rob them, was in the car lot next door attempting to take a red Mustang parked in the lot. The deputies alighted from their unit, and as they started into the lot, heard the dispatcher putting the call out.

The deputies observed the suspect in the lot and ordered him in English and Spanish to raise his hands and get down on his knees. The suspect complied with the order to raise his hands but refused to drop to his knees. The suspect, whose back was to the deputies, then lowered his right hand to his waist and removed a gun from his waistband. Ignoring the deputies' commands to raise his hands, the suspect turned to his left, bringing his weapon to bear on the deputies. Both officers opened fire, striking the victim an unknown amount of times in the torso and legs.

The suspect went down and was handcuffed. Shortly thereafter paramedics arrived and administered aid to the suspect. The suspect was transported to Martin Luther King Hospital, where he was pronounced dead by staff physician, Dr. Charles, at 1622 hours.

Investigators observed the location to be an automobile agency located in a business area. The new car agency is located on the southeast corner of Long Beach Boulevard and Cudahy Avenue, and the used car lot and mechanical detail section is located on the northeast corner of Long Beach Boulevard and Cudahy Avenue.

The location involved in this incident is the used car lot located on the northeast corner. The building on this lot is in an inverted L-shape that runs along the north and east ends of the property. Along the west side of the property are three rows of cars facing in a westerly direction. The buildings on this lot consist of mechanical bays and wax room located on the north end of the lot. The other building on the east side consists of a storage area, wash rack, and detail bays that run south to Cudahy Avenue.

The vehicles involved in this incident going from west to east are a 1988 red Ford Mustang which was parked with driver's door open, facing west in front of the first mechanical bay east of the sidewalk. The second vehicle involved is a gold 1988 Ford Escort facing north just to the east of the second mechanical bay.

Approximately 40' south of this vehicle is a white 1988 Ford Escort facing east and is the last vehicle of the third row of vehicles. All vehicles in this row are facing west with the exception of this vehicle.

The fourth vehicle involved is a tan 1987 Ford Bronco II, which faces west and is the first vehicle south of the white Ford Escort.

The fifth and final vehicle is a 1984 brown Ford Tempo, four door, which is parked facing north along the east building and next to the storage room and north of the wash rack.

Note: For purposes of a landmark, Investigators used the south wash rack pilar located in the row of buildings along the east side of the property. All of these measurements are approximations and are not necessarily the same landmarks used by the Staff Artists.

Investigators observed a chalked off area approximately 6' X 3' which Deputy Babbit indicated was where the suspect's body was located, with the head to the east and the feet to the west. The east edge of this body chalk is approximately 15' west of 5' north of the car wash pilar.

Surrounding the body chalk are pieces of shotgun wadding. The dimensions of which are listed in the evidence held section of this report.

The suspect's weapon was observed approximately 10' southeast of the victim's body. See Evidence Held No. 1 for approximate measurements.

Four expended shotgun casings were found just north of the white Ford Escort. See Evidence Held Item No. 11 through 14 for approximate measurements.

Print Deputy Linda Arthur responded and took fingerprints and photographs. Staff Artist Rene Stewart and Terri Lung also responded and will make an artist rendering of the crime scene.

While still at the location Investigator Jones interviewed [redacted] ML/26, DOB: [redacted] Mr. [redacted] who was a mechanic at the location, stated that he was standing in the north

driveway of the sales area located on the south side of Cudahy, Avenue when he heard someone say, "He has a gun."

Mr. [redacted] then observed two uniformed deputies, one with a shotgun and one with a handgun walking between the cars parked in the lot across the street from where he was standing. He heard them yelling at an unknown male who was walking east through the lot towards the bay doors located on the east side of the property. He continued that the unknown male who had his back towards the deputies suddenly placed his right hand inside his waist and pulled out a gun. He then turned toward the deputies, and he heard shots and observed the male drop.

Mr. [redacted] related that he saw the deputies yelling repeatedly but could not hear what they were saying due to the traffic noise. He added, "If I was the cop, I would have done the same thing." This interview was concluded at 1836 hours.

At 1845 hours on 10-28-88 Investigator Jones interviewed [redacted] MB/36, DOB: [redacted], who is the [redacted] Mr. [redacted] related that at approximately 1600 hours he was in his office when his [redacted], came running in and stated, "There's a man over there with a gun trying to take one of your cars." At this time Mr. [redacted] stated he told his receptionist to call the police and then went out to the service department, which fronts on Cudahy Avenue, where he observed an unknown male attempting to start a red '88 Ford Mustang, which was parked at the north end of the lot.

Mr. [redacted] stated that he ran to the southeast corner of Cudahy Avenue and Long Beach Boulevard and observed the Sheriff's Unit proceeding south on Long Beach Boulevard. He waved this unit down, and they backed up to where he was standing at the corner of Cudahy Avenue and Long Beach Boulevard. He advised the officers that there was a man with a gun attempting to steal one of his cars in the parking lot across the street. He then pointed to the male just getting out of the red Mustang and told them that was the man. He saw this male start to walk away towards the east end of the lot.

Mr. [redacted] continued that the officers backed across Cudahy Avenue and parked their vehicle. They alighted and began weaving their way through the used car lot towards the man who was walking east. He said that he heard the deputies yelling in English and Spanish for the man to freeze and to put his hands up, but although the male looked back towards them, he continued to walk away from them.

Mr. [redacted] continued that when he got approximately 20 feet away from the wash rack bay, he stopped and did raised his hands above his head. As the deputies approached, he saw the male drop his hands

and put his right hand into his belt and withdraw a gun and turn to his left towards the deputies. The deputies immediately opened fire, and the male fell to the ground. Mr. [redacted] concluded that shortly thereafter, other units from the Sheriff Department arrived, and an ambulance was called in, and the male was taken away. He later learned that the male had died at the hospital. This interview was concluded at 1855 hours.

On 10-28-88 at 2110 hours, Sergeant Cox interviewed [redacted] ML/21, DOB: [redacted] This interview was conducted in Detective Lieutenant's Office at Firestone Station. Mr. [redacted] stated that he was washing a car in the wash rack located on the east side of the Detail Center when he first observed the suspect walking northbound through the lot from Cudahy Avenue. He said that he didn't pay much attention to him until he saw him walk up to one of the other workers, [redacted] who was shampooing a gold Ford Escort, which was located between the wax bay and the mechanic's bay at the north end of the lot.

Shortly after the man engaged [redacted] in conversation, [redacted] yelled to him in Spanish, "This guy likes the red Mustang and wants to buy it." Realizing the [redacted] speaks very little English, he walked over to where they were standing and asked the suspect in English, "Can I help you." The suspect didn't answer him and walked to the right side of the red Mustang. Mr. [redacted] again asked in English, "Can I help you with something." At this point the suspect again didn't say anything but started to walk slowly towards where Mr. [redacted] was standing with [redacted] in back of the gold Ford Escort. It was at this time that Mr. [redacted] noted that the suspect was walking stiff legged and appear to have a glassy stare to his eye, almost as if the suspect was looking through him and not at him. [redacted] said that at this time, he got the idea that maybe the guy was high on something.

Mr. [redacted] said when the suspect got to the right rear fender of the gold Escort, he and [redacted] started to back away towards the wash rack area, and he told the suspect, "Why don't you get out of here." Without saying a word, the suspect pulled open his jacket, and they observed that the suspect had a gun stuck in his waistband. [redacted] said that when he saw the suspect reaching for the weapon with his right hand and start to withdraw it, he told [redacted] "He's got a gun," and both he and [redacted] ran east across to lot and took up a position behind a brown '84 Tempo that was parked along the west wall of the building facing north.

Mr. [redacted] said that as he ran towards this vehicle, he saw one of the [redacted], come out of the mechanic's service bay, and he saw that he also had a gun. Apparently the suspect looked at [redacted] because he heard him say to the suspect, "I don't

speak any Spanish," and held out his hands in front of him, palms up, as if to say, I don't want any trouble.

[redacted] said he also saw, [redacted] another [redacted] who was waxing a car in the wax room located just to the east of the mechanic's bay, run southbound across the lot towards the fleet sales office. After arriving at a position behind the brown Tempo, [redacted] said he observed the suspect standing by the passenger door of the gold Escort that [redacted] had been shampooing and looked inside. He then walked around the back of the car, to the driver's door, and leaned inside the car. He could see him fumbling around the dash area as if he were looking for something. He thought he might be looking for the keys to the car but couldn't figure out why he couldn't find them because they were in the ignition on the steering post, clearly visible to anybody who was inside the vehicle.

Mr. [redacted] said the suspect came out of the driver's door and looked around the lot as if to see if anybody were around. At this time he still had his hand around the area of his waistband. The suspect walked west to the rear of the Mustang. At this point, while the suspect had his back to them, he and [redacted] decided to move from the protection of the brown Tempo to a position inside the wax room. When they got in the wax room, they looked through the door that opens into the mechanic bay and could see that the suspect had gotten into the driver's side of the Mustang and was attempting to start the vehicle.

Mr. [redacted] said that he knew the suspect had turned on the ignition because he heard the seat belt chime going off. According to [redacted] the suspect must not have been familiar with how to start the car because on Mustangs, you have to disengage the clutch all the way to the floor before starting the vehicle. When the suspect was unable to start the car, he heard the hood latch being released by the suspect and saw the suspect get out of the car and move to the front of the vehicle. Because the suspect was almost out of their view, they returned to their original position behind the brown Tempo.

When Mr. [redacted] and [redacted] got to this position, Mr. [redacted] looked back and saw that the suspect was walking slowly back and forth between the Mustang and the gold Ford Escort. According to [redacted] the suspect still had his hand on the gun and continued to rotate his head in all directions as if he was afraid someone would sneak up on him.

Witness [redacted] stated that he looked toward the front of the fleet sales office and saw a radio car southbound on Long Beach Boulevard. At this time he saw Mr. [redacted] the [redacted] standing at the corner of Cudahy Avenue and Long Beach Boulevard, waving his arms, trying to get the officer's attention. He saw the radio car stop and back up towards Mr. [redacted] and seconds

later, he saw the two officers in the radio car weaving their way through the used car lot toward where the suspect was standing.

Apparently the suspect didn't see the deputies approaching, as he was looking in a southeasterly direction. When the deputies got to a position just to the north and rear of the white Ford Escort that was facing east, Mr. [redacted] heard them yell in English to the suspect, "Freeze, and put your hands up." Until that time the suspect still had his hand on the gun in his waistband. The suspect raised his hands above his head and took a quarter turn to the right and looked at the deputies. Mr. [redacted] then heard the deputies say in both Spanish and English, "Kneel down."

Mr. [redacted] said that the suspect refused this command and started walking in a southeast direction away from the deputies. The deputies again ordered the suspect in both English and Spanish to kneel down, but the suspect ignored their commands. Mr. [redacted] said that he realized that he and [redacted] were in a poor position behind the Tempo, so they moved inside the service building located immediately north of the Tempo and took up a position by the office door. This gave them more protection and still afforded them a clear view of the deputies and the suspect.

Mr. [redacted] continued that the suspect took several steps away from the officers, and as he did so, he slowly began to lower his hands until he got them down to his waist. All of a sudden the suspect pulled the gun from his waistband and raised it to shoulder level. He then made a turning motion to his left in the direction of the deputies, and at this point both deputies opened fire. He said that one of officers had a shotgun and the other a revolver, but he was unsure how many rounds each had fired.

Mr. [redacted] said that the suspect immediately fell to the ground, and because the Tempo obscured their view, he was unable to see what the suspect was doing while lying on the ground.

Mr. [redacted] said they moved out of the service area to a position where they could observe the suspect and saw that he was lying on his stomach facing the wash rack bay. Almost immediately after this, he saw two other officers arrive, and they handcuffed the suspect. Shortly thereafter, the paramedics arrived in an ambulance, and they took the suspect away.

Shortly thereafter, Mr. [redacted] said that he and [redacted] and [redacted] were transported to the station to await Investigators' arrival. Mr. [redacted] closed by saying that if he were in the same position as the officers he would have also fired at the suspect. At this point the interview was terminated.

At 2205 hours on 10-28-88, Investigator Jones interviewed [redacted] MH/18, DOB: [redacted] [redacted]

[redacted] This interview was conducted in the detective room of Firestone Station, and Detective Joseph Martinez, employee No. [redacted] acted as an interpreter for Mr. [redacted] as he spoke a little or no English.

Mr. [redacted] related that he was shampooing the carpet of a gold '88 Ford Escort at the north end of the lot when the suspect approached him and stated in Spanish that he like the red Mustang and asked if someone could demonstrate it for him. Mr. [redacted] told the suspect that he couldn't do it, but that he would get [redacted] When [redacted] came over at his request, he heard him tell the suspect that he couldn't demonstrate the vehicle, and at this time the suspect went back to the Mustang. [redacted] told the man to leave, and instead of doing this, he opened up his jacket and showed them a gun that was in his waistband.

Mr. [redacted] stated that they backed away, and [redacted] went to a phone to call the police. At this time the suspect, according to Mr. [redacted] got into the Mustang and attempted to start it. When [redacted] returned, he said, "Let's go," and they ran behind a coffee-colored Ford Tempo parked near the east building. When they got behind the Ford Tempo, they saw the suspect get out of the Mustang and start toward them, so they ran into the building and closed the door.

Mr. [redacted] continued that when the officers got there, he heard them telling the suspect in Spanish several times to put up his hands and get down on his knees. He saw that one of the officers had a shotgun, and the other had a revolver, and they were pointing their weapons at the suspect.

At this point he said the suspect was facing east towards the wash rack, and although he had his arms raised, he refused to kneel down. He said he then saw the suspect slowly lower his hands and then with his right hand, he reached into his waistband and removed the gun, and turned to his left, and pointed the gun at the officers. The officers immediately open fire, and the suspect went to the ground. Mr. [redacted] thought the officers fired four shots but couldn't be sure. This interview was concluded at 2225 hours.

At 2230 hours Investigator Jones interviewed [redacted] MW/28, DOB: [redacted] This interview was conducted in the detective room of Firestone Station room. Mr. [redacted] who is a [redacted] related that at approximately 1600 hours while working in the north bay of the location, he observed the suspect looking at a red Mustang parked just west of the bay where he was was working. He observed the suspect open the driver's door to the Mustang, and at that time he yelled, "Hey". Mr. [redacted] said the suspect looked up at him and said something in

Spanish, but he wasn't sure what it was because he doesn't speak Spanish.

Mr. [redacted] continued that the suspect then walked around the other side of the Mustang, and by this time he had walked out of the bay area to a position very close to the suspect. The suspect then turned toward him, and he saw a gun in the suspect's waistband. [redacted] said he immediately backed into the mechanical bay area to get out of the view of the suspect.

Mr. [redacted] continued that the suspect went back around to the driver's side of the Mustang. At this time he ran south through the lot to the service building across Cudahy Avenue and contacted the owner of the location, Mr. [redacted] He told him that there was a man in the lot with a gun and that he was trying to take a car.

Mr. [redacted] continued that he started to pick up the phone to telephone the South Gate Police Department when he observed the Sheriff's Unit southbound on Pacific, and he and Mr. [redacted] ran to the corner and attempted to flag the unit down. The witness said that they were successful, and the unit backed up to where they were standing at the corner of Cudahy and Long Beach Boulevard.

Mr. [redacted] continued that while he remained in the driveway on the south side of Cudahy Avenue, Mr. [redacted] approached the officers and advised them of what the suspect was doing in the lot across the street.

At this point the officers got out of their cars and went through the lot toward the suspect, who had just gotten out of the red Mustang and was walking eastbound away from the vehicle. He heard the deputies yelling in English and Spanish numerous times, "Keep your hands up, get on your knees." He said the suspect had his hand in the air, and then slowly began to lower them to his waist level. The suspect then removed the gun from his waistband and turned toward the deputies with the gun in his right hand. He said the deputies immediately opened fire and that he heard from six to seven shots fired from two different weapons.

Mr. [redacted] said that shortly thereafter, other officers arrived at the scene and kicked the gun away from where the suspect was lying on the ground and handcuffed him. At this point the interview was concluded at 2245 hours.

On 10-28-88 at 2200 hours, Sergeant Cox interviewed Deputy ROBERT SCOTT THACKER, MW/[redacted], employee No. [redacted]. This interview was conducted in the Detective Lieutenant's office at Firestone Station. Prior to interviewing Deputy Thacker, Investigators inspected his .357 Smith and Wesson's stainless four-inch revolver, model 686, serial AUV[redacted] and discovered there were three

live rounds and three expended shell casings in the cylinder. The ammunition fired was departmentaly issued F/C 87 ammunition.

Deputy Thacker was advised to respond to the Sheriff's Crime lab located at 2020 Beverly Boulevard, Los Angeles and have his weapon test fired by the officers at Ballistics.

Deputy Thacker stated that he was working [redacted] with Deputy [redacted], and that they had just left the station at around 1535 hours and prepared to go into their designated area of patrol. He said that because traffic was light, they got car 11 P.M.'s on the radio and agreed to meet with them at the El Pollo Loco at Palm and Pacific Avenue to have something to eat.

Deputy Thacker continued that they went eastbound on Nadeau, which turns into Broadway, and then south on Pacific which turns into Long Beach Boulevard. As they crossed Cudahy Avenue, he said they observed a male Black waiving his arms at them in front of the Freedom Ford dealership.

Deputy Thacker said they pulled across into the northbound lanes of Long Beach Boulevard and parked along the east curb. This male Black, who identified himself as Mr. [redacted] the [redacted] told them that there was a man with a gun trying to rob them and was trying to take one of their cars in the lot across the street. Mr. [redacted] pointed to the car lot across the street and said that the suspect was in a red Mustang.

Deputy Thacker said they started to back across Cudahy Avenue and then stopped and asked Mr. [redacted] what the suspect look like. At this point his partner told Mr. [redacted] to get into the car and show him where the suspect was located. He said Mr. [redacted] was reluctant to get into the car but got into the back seat of the radio car. He said they backed across Cudahy Avenue and parked the car near the east curb.

Thacker got out of the radio car and saw a male getting out of a red Mustang that was parked at the north end of the lot facing west. Thacker asked Mr. [redacted] if that was the suspect, and Mr. [redacted] looking out of the back window of the radio car, said that the guy by the red Mustang was the suspect.

Deputy Thacker continued that he started to walk away from the car going north of the sidewalk, when he heard the dispatcher say, "11 handle, [redacted] assist, attention 10 Sam, a 211 now" but by this time, Thacker said he was too far away to hear the rest of the transmission.

Thacker said that there was a row of cars facing west in a parking lot and that somewhere about halfway, he started into the lot itself. He said at this point he could see the suspect move from

the driver's side of the Mustang and walk slowly in a southeast direction towards the building located on the east side of the property.

Thacker said that as he wound his way through the cars, he started yelling, "Hey". He saw the suspect look in his direction, and at this point he said, "Put your hands in the air." Thacker said that although he made eye contact with the suspect, he didn't respond to the command and continued to slowly walk in a southeast direction.

By this time Thacker said he was into the second row of cars and again yelled, "Hey". Again the suspect looked at him, and Thacker said, "Put your hands in the air, and turn the other way." The suspect again ignored the command and continued to walk southeast through the lot. Thacker said that he arrived at a position behind and to the north of the white '88 Ford Escort that was facing east, and at this point, the suspect was just north of where he went down. Thacker said that he yelled at the suspect a third time, "Freeze, put your hands in the air and turn away from me." The suspect, who was continuously looking at this time over at Thacker, finally stopped, and slowly raised his hands to a shoulder level and turn slightly to his left, bringing the suspect's full back into view.

At this point Thacker said that he became aware that his partner was just to his right with a shotgun and was standing behind the white Escort. He could see that the shotgun was aimed at the suspect, and he heard his partner say in Spanish something about raising his hands and getting down on his knees. According to Thacker, his partner repeated these commands at least three times, but the suspect did not react to any of these commands.

Thacker continued that he saw the suspect slowly lowering his right hand toward his waistband area and got the feeling that he was going for the gun. At that same time he realized that he was in a very vulnerable position and decided to move to the south and get behind one of the cars parked just to the south of him. As he passed his partner, he told him at least three times "Watch him. He's going for it."

Deputy Thacker stated that he ran around a Bronco that was parked next to the white Escort, and when he got to the back of this vehicle, he saw the suspect turning to his left toward where his partner's position would be. At this point he saw the suspect's right hand come into view and saw that he was holding an automatic with a long, black barrel. Thacker related that as he brought his gun to bear on the suspect and started to squeeze off the first round, at this time he heard the first shotgun blast fired by his partner. He said that he then fired three rounds in rapid succession at the suspect but was unsure if any of his rounds struck the

suspect. He knew that his partner hit the suspect because he saw the suspect spin after the first shotgun round.

Deputy Thacker continued that the suspect went down either on his stomach or right side, and he saw the gun lying on the ground approximately three feet south of his position. He said that both he and his partner approached the suspect, and when he didn't move, his partner said he was going to put out a broadcast and to watch the suspect.

Seconds later, Thacker said he looked toward the radio car and saw Deputies Babbitt and Spackman coming towards him. He heard one of them yell, "How many are there," to which he replied, "Only one, and it's Code 4." Babitt yelled back to Thacker, "Get him handcuffed." Thacker said he did shortly thereafter.

Deputy Thacker couldn't be sure who kicked the gun away from the suspect, but did recall that later the gun was approximately ten feet southeast from where he originally saw it after the shooting. Deputy Thacker stated that after handcuffing the suspect, the deputies contained the scene, and when the Firestone Detectives arrived, they transported he and his partner back to the station. This interview was terminated at 0015 hours.

Note because Deputy [redacted] had a previous appointment on Monday, 10-31-88, Deputy Thacker agreed to take the shotgun used by Deputy [redacted] to the Crime Lab along with his own service revolver for testing.

On 10-29-88 at 0030 hours, Sergeant Cox interviewed Deputy [redacted] MH/27, employee No. [redacted] Deputy [redacted] stated basically the same as Deputy Thacker as to how they arrived in front of the Freedom Ford Dealership and stated that although it was difficult for him to hear what Mr. [redacted] was telling his partner, he got the impression that someone had robbed them and had taken one of their cars.

[redacted] continued that at first he thought that the suspect had left the location in a vehicle, and he told his partner to have [redacted] get into the car and to show him where the suspect was last seen. He said that [redacted] opened up the back door and got into the radio car, and at this point told him that the suspect was in the parking lot across the street, and that he was in the red Mustang parked at the north end of the lot. [redacted] told his partner to back across the street and park on the northeast corner of Long Beach Boulevard and Cudahy, and when he got to that location, he got out of the car and looked back toward the north end of the lot. He saw the red Mustang and then saw a man walking southeast away from the vehicle. He asked [redacted] if that was the guy, and [redacted] replied in the affirmative.

[redacted] said that Thacker started to walk north, up the east sidewalk, and he got back into the car to advise the radio room of what they had. At this point the radio dispatcher came out with a call "11 handle [redacted] assist, attention 10 Sam, a 211 now at the Freedom Ford Dealership at 8012, Long Beach Boulevard." [redacted] said that he realized that he was going to get assistance and that 11 Adam, who they were going to meet for dinner anyway, should be close by. He got out of the car, took the shotgun, and proceeded north of the east sidewalk, toward the north end of the car lot.

At this time [redacted] saw Thacker walking between the first row of cars in about the middle of the lot. [redacted] said he heard Thacker yell, "Stop. Let me see your hands." At this point he saw the suspect, who was standing approximately 75 feet away, stop and look in Thacker's direction but did not comply with his commands. By this time [redacted] said he had entered the lot at about the same place as Thacker and began weaving his way through the rows of car toward where the suspect was standing. Keeping the suspect in view, he observed him slowly walking in a southeast direction and again he heard Thacker say, "Stop. Put your hands in the air." The suspect again looked in Thacker's direction but continued to walk southeast. When Thacker yelled at him a third time, "Stop. Put your hands in the air," the suspect finally stopped and looked back, and at this point, [redacted] said he could see that there was nothing in his hands.

[redacted] continued that when Thacker made the third command to stop, he was standing just north of the left front rear fender of a white Ford Escort that was facing in the westerly direction in the third row of cars. The suspect was approximately 15 feet in front of this same white Ford Escort. [redacted] said he arrived at a position by Thacker's right side and yelled at the suspect, "Stop. Let me see your hands." He said they did this in English and almost immediately thereafter, he said it in Spanish, along with "Hands in the air." He said the suspect then complied by raising his hands in the air and made a quarter turn to the left, putting his back to the deputies. [redacted] said he told the suspect approximately three times in Spanish to "Kneel down," but that he refused to comply.

[redacted] continued that much to his surprise, he observed the witness slowly lower his right hand to his waistband, and he yelled at him in Spanish, "Hands in the air," but the suspect refused. [redacted] said that during this time, Thacker moved to his right, and he heard him say several times, "He's going for it." Returning his attention to the suspect, [redacted] said he saw the suspect remove something from his waistband with his right hand and slowly bring it up to shoulder level. At that time he saw the suspect had what appeared to be an automatic with a long black barrel.

[redacted] recalled seeing a similar type weapon at another incident the week before, which turned out to be a .22 caliber machine pistol. [redacted] said that he yelled twice in Spanish and twice in English, "Stop," but the suspect again ignored his commands and started to turn to his left towards [redacted] At the same time he brought the pistol down to his waist level and began thrusting it across his body.

[redacted] said that as the weapon started to come to bear on him, he felt that the next thing that would happen was that the suspect was going to shoot him. Fearing for his life, he fired at the suspect but couldn't tell if he hit him. So he chambered another round and fired. When the suspect didn't go down, he fired two additional rounds at the suspect which emptied the weapon.

At this time [redacted] said the suspect went down to the ground on his stomach. [redacted] said that he was aware that Thacker had fired because he heard two shots to his right.

Deputy [redacted] continued that when the suspect fell, the gun fell somewhere to the right of where the victim was lying. [redacted] said that both he and his partner approached the suspect from the back. Because the gun was still in close proximity to the suspect, he kicked the gun about ten feet to the southeast of where the suspect was lying. [redacted] said he told his partner to watch the suspect while he put out a broadcast.

[redacted] noted that as he approached his radio car, other units started to arrive, and they contained the perimeter until station detectives personnel arrived, whereupon he and his partner were transported back to Firestone Station. This interview was terminated at 0130 hours.

On 10-29-88 at approximately 1400 hours, Investigators, along with Deputy Joseph Martinez, employee No. [redacted] responded to the suspect's home at [redacted] Investigators contacted the suspect's [redacted] FH/30. Mrs. [redacted] stated that the suspect has been in the U.S. since 1983 and that he had a brain problem which left his mentality at approximately about that of an 11-year-old.

Mrs. [redacted] stated that he was tested by a psychiatrist from the South Central Los Angeles Regional Center for development disabilities, 2160 Adams, West Los Angeles, (213) 734-1884. She was advised at that time that her [redacted] had the mentality of an 11-year-old and that it would probably not get any better.

Mrs. [redacted] continued that at approximately 1400 hours on 10-28-88, she left her residence, leaving her [redacted] at home and went shopping. She said that at approximately 1500 hours she called the house and talked to her [redacted] and everything was okay at

that time. Mrs. [redacted] stated that her [redacted] was normally a very docile type of individual and had never acted out anything like what we told her he had done. She was at a lost to understand why he did this, although she accepted the fact that he was involved in the incident.

Mr. [redacted] MH/31, who was also at the home, stated that the "BB" pistol used by the suspect was his, and that it was not working at that time. He said that he kept it in a box inside the closet in his bedroom, and as far as he knew, the suspect didn't know it was even in the house.

Mrs. [redacted] was at this time given the suspect's wallet and seventy-two cents that was found on his person while at Martin Luther King Hospital. A receipt form was obtained from Mrs. [redacted] for this property.

Mrs. [redacted] was also advised that the suspect's clothing was in our possession but that because the paramedics found it necessary to cut the clothing off of the suspect while at the scene, it was no longer serviceable for wear. At Mrs. [redacted] request, Investigators disposed of the suspect's clothing and shoes. It should be noted that Mrs. [redacted] speaks no English, and we used Deputy Martinez to interpret for us during this conversation. This interview was terminated at approximately 1435 hours.

On 10-31-88 at 1000 hours, Sergeant Cox and Lieutenant Burt attended an autopsy performed by Dr. Selzer at the Coroner's Office at 1104 Mission Road, Los Angeles. The results of the autopsy will be transcribed by Dr. Selzer and made a permanent part of this file. According to Dr. Selzer, the cause of death of the suspect was a ball point pen clip that had been in the suspect's pocket and was forced into his heart by the shotgun pellets.

On 11-01-88 Sergeant Cox responded to the Coroner's Office, where the shotgun pellets removed from the suspect, were obtained from the coroner's evidence man, Richard Heath. This evidence, along with the other evidence obtained at the scene on 10-28-88 was marked, tagged, and placed in the Homicide Evidence room.

Upon transcription of this report, the case will be presented to Deputy District Attorney Mason, of the Special Investigation Division of the District Attorney's Office for his evaluation.

Investigation continuing, further reports to follow.

BY: SERGEANT EUGENE J. COX, #[redacted]
INVESTIGATOR BARRY JONES, #[redacted]
APPROVED: LIEUTENANT GILBERT LESLIE
HOMICIDE BUREAU - DETECTIVE DIVISION

LLANILLO/STENO



OFFICE OF THE DISTRICT ATTORNEY
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SPECIAL INVESTIGATIONS DIVISION
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IRA REINER, DISTRICT ATTORNEY

(213) 974-7437

December 28, 1988

Captain Robert T. Grimm
Los Angeles County Sheriff's Department
Robbery-Homicide Bureau
211 West Temple Street
Los Angeles, California 90012

Dear Captain Grimm,

In re S.I.D. File No. 100-6171
L.A.S.D. File No. 088-08741-0199-032

Our Division has now concluded its investigation and review of the fatal shooting of Enrique R. Gonzalez, 27, which occurred in the late afternoon hours of October 28, 1988. Upon being notified shortly after the occurrence, Deputy District Attorney Lawrence E. Mason and Senior Investigator [redacted] responded to the location and were briefed by your investigators.

We have received and reviewed the reports prepared by Sergeant Eugene Cox and Investigator Barry Jones of your Bureau, the autopsy and toxicological reports and our Bureau of Investigation reports. We have concluded that no criminal wrongdoing occurred on the part of Deputies Robert Thacker and [redacted] when they shot at Mr. Gonzalez.

FACTUAL ANALYSIS

Shortly before 4:00 p.m. on October 28, 1988, Mr. Gonzalez went to the service lot of Freedom Ford, located at 2506 Cudahy Avenue in South Gate. He was armed with what turned out to be a Crossman Powermatic BB pistol, which had a 5 inch barrel. He accosted personnel at the location and was in the process of trying to steal an automobile. One of the employees contacted police authorities via the 911

emergency telephone number. Additionally, Deputies Thacker and [redacted] were flagged down by an employee as they drove by the location.

The deputies armed themselves and went to investigate the crime. They observed Mr. Gonzalez, who was walking in the lot area. They both shouted for him to halt and raise his hands and drop to his knees. They did so in both English and Spanish. Mr. Gonzalez, for unknown reasons, reached into his waistband, pulled out his pistol, leveled it and turned toward the deputies. The deputies, believing they would be shot, fired at Mr. Gonzalez. Deputy Thacker fired three rounds from his service revolver. Deputy [redacted] fired four rounds from his shotgun. Mr. Gonzalez was hit by the shotgun rounds and fell to the ground, mortally wounded.

Paramedics responded to the location and transported Mr. Gonzalez to the hospital where he expired shortly thereafter. The BB pistol, which belonged to his brother, was inoperative, but looked very much as if it were a .22 caliber machine pistol.

The witnesses interviewed by your detectives and our investigator all indicated they felt the weapon was real. They further indicated that Mr. Gonzalez inexplicably armed himself and turned toward the officers as if intending to fire upon them.

LEGAL ANALYSIS

There is amply authority for the proposition that a peace officer may use deadly force to apprehend an individual who has perpetrated a forcible and atrocious crime, such as robbery. In addition, the law is clear that a peace officer may use deadly force to defend himself against a perceived deadly attack, even though the facts thereafter determine that the danger is merely apparent, rather than real.

A thorough review of the facts and circumstances of this incident reveal that the deputies did not engage in any criminal wrongdoing when they attempted to apprehend Mr. Gonzalez. They did not act illegally when they shot at

him. Accordingly, we intend to take no further action in this matter and our file is now closed.

Very truly yours,

IRA REINER
District Attorney

CURT LIVESAY
Assistant District Attorney

By [signature]

LAWRENCE E. MASON
Deputy District Attorney

mhm

cc: Deputy Robert Thacker
Deputy [redacted]